

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SCOTT W. SPENCER,

Petitioner,

v.

**WARDEN, NOBLE
CORRECTIONAL INSTITUTION,**

Respondent.

**CASE NO. 2:16-CV-0411
JUDGE JAMES L. GRAHAM
MAGISTRATE JUDGE KEMP**

OPINION AND ORDER

On September 15, 2016, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied and that this action be dismissed. (ECF No. 3.) Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* (ECF No. 3) is **ADOPTED** and **AFFIRMED**. The petition for a writ of habeas corpus is denied and this action is hereby **DISMISSED**.

IT IS SO ORDERED.

Date: October 19, 2016

s/James L. Graham
JAMES L. GRAHAM
United States District Judge